



HAUDENOSAUNEE

Mohawk • Oneida • Onondaga • Cayuga • Seneca • Tuscarora

ACTION

Steinberg
Callahan
Servicio
cc: muggan Action
response due
9/20/06
direct Reply

ENVIRONMENTAL TASK FORCE

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August 31, 2006

Alan Steinberg
Regional Administrator
U.S. Environmental Protection Agency
Region 2
290 Broadway
New York, N.Y. 10007

Re: Cayuga Nation Letter of July 17, 2006

Dear Alan,

A month has passed since the Cayuga Nation received your letter of July 17, 2006. This letter interrupted the meeting which had been set for August 1st with the Onondaga Nation, re: Onondaga Lake and consultation.

Upon receiving the July 17th letter, the Cayuga Nation Traditional Chiefs petitioned the Onondaga Nation Council of Chiefs to hear their concerns about the EPA letter.

By fortunate circumstances, I was in New York City on July 26th and you were kind enough to make time to meet with me on this issue. We did have a short meeting where you made clear your concerns with the July 21st letter that you had received from the Traditional Cayuga leaders attorney, Christopher Amato, Esq., in response to the EPA letter of July 17th.

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You also expressed concerns that the scheduled meeting of August 1st could be contentious and suggested that it might be advisable to postpone the meeting until there would be a calmer atmosphere for the Onondaga Nation meeting. I indicated to you some of the concerns of the Onondaga Chiefs regarding the Cayuga situation.

I agreed that more time might be needed to sort out the issues raised in these two letters. I suggested that we wait until that Friday to make this decision for postponement, pending the outcome of our meeting with the Cayuga Chiefs on Friday, July 28th.

We met that Friday and it became clear that we could not resolve the Cayuga issues before our planned August 1st meeting and I called your office late that Friday and informed Ms. Beck that we agreed to your suggestion to postpone our August 1st meeting until we could clarify the issues raised by these letters.

I received a call back from Ms. Beck on the following Monday, urging that I call you to respond to information that all meetings were off.

I did contact you and said: "No, our meetings were postponed, but not cancelled, until we could clarify our concerns in a letter to the EPA."

The Onondaga Nation has reached some conclusions and I will now address some but not all of our concerns.

1. It is clear that better communications need to be established between our leaders at the highest level. We see that a process for consultation, with a clear, mutually agreed upon definition of the true meaning of the word *consultation* was needed. If there had been one in place prior to the July 17th letter from your office, most of the problems we now face could have been avoided. It was clear to us that, for whatever reason, information was not reaching HETF staff or leadership from Mr. Bricke's office. At the same time it appears that communications were ongoing with Mr. Halftown through his attorney, Mr. French, and Mr. Bricke's office. During this time I was fully involved with our lacrosse team, the *Iroquois Nationals*, in the 2006 World Championship games, sponsored by the International Lacrosse Federation (ILF), in London, Ontario, Canada and I did receive an urgent communique from HETF Executive Director, Joyce King, voicing concerns about

Mr. Halftown's attack against the HETF *status quo* relationship with EPA. This brings into focus the need for better communications between our leadership and yours—more direct communications by EPA leaders with our Nations and their leaders on matters which impact the Nations and their territory and waters.

2. It is our opinion that your letter of July 17th to the Cayuga leaders was ill-timed and ill-advised and it has created problems in our relationships.

Here I will explain as simply as I can our process for raising leaders. It is relevant to the current situation and I hope will clarify the Cayuga situation. Please bear with me.

Each Clan (a large extended family) has five leaders: a Clan Mother whose duties are to choose and remove the leaders for her clan; a Chief; his partner active in support of the title holder; and male and female Faithkeepers whose duties are to go about and see to the general health and welfare of the clan among other things.

Step 2: The Clan Mother's choices for title holder and his partner must be ratified by the Council of Chiefs by consensus.

Step 3: The Chiefs' Council then notifies by runner the opposite house who receives the news that there is now a candidate for the title (Chief). The opposite house will set the time and place and choose the speakers for the Great Condolence.

Step 4: The Nation raising the Chief will then prepare to host the Grand Council of the Six Nations. It is this Nation's responsibility to provide food and housing for the assembling delegates.

Step 5: On this appointed day everyone arrives and through several protocols are finally assembled in the long house, seated in their appropriate places.

Step 6: The Condolence begins and the roll call of the fifty titles is called along with their duties. Then the history of the Confederacy is recounted. Then the actual Condolence begins and the laws are recounted at that time. This process takes most of the day.

Step 7: The candidate is now brought forward by the Clan Mother. He will stand before the assembly with his deputy and two Faithkeepers, so the leadership of his Clan is visible to all assembled.

Step 8: One house— Elder brothers: Mohawk, Onondaga and Seneca Chiefs— will question the candidate and pass judgement as to his qualifications to hold title. If he fails this test the Condolence is over and the meeting ends without a leader and the assembly goes home without ceremony. This is a great failure, obviously, and the Clan Mother must choose her candidate wisely, or she has to do it all over again. The second time will be harder than the first.

Step 9: If on the other hand he is accepted by the Elder brothers house, he is halfway there. He is now turned over to the Younger brothers house— Oneida, Cayuga, Tuscarora— who also have the same right of veto. Since the Cayugas have accepted him the other two Nations will now make their decision. If they accept him there is one more step.

Step 10: The speaker presents him to all assembled and asks the question: “If there is anyone who knows a reason why this man should NOT hold this title, step forward and declare. If there is someone among you that knows a reason why this man should NOT hold this title and you do not speak now, then you are bound to never bring it up again.” So the people speak last. If there are no objections it is done, you now have a title holder with all of the responsibilities the title holds. He shall serve the people for life or until he is removed by his Clan mother for malfeasance and dereliction of duties.

Once this elaborate process has been completed, and no one has objected to the raising of the new leader, it can not later be nullified merely because an individual later says that he or she does not agree. Once a condolence is completed, the leader can only be removed by his Clan Mother, after another elaborate process.

Alan: This is important and the point I now make that Clint Halftown was never Condoled into his position of deputy. His seat was temporary and he served at the discretion of his Clan mother, who has since removed him.

3. The next point is that Chiefs Samuel George and William Jacobs have been formally Condoled and properly installed by our ancient rule of law at Onondaga, on April 16, 2005. The Onondaga Nation was a party to this installation and these men are the choice of the Six Nations assembled.

The Bureau of Indian Affairs (BIA) has struggled with their understanding of our

procedures. This has not been helped by the manipulative behavior of Clint Halftown and his attorney, Mr. French.

The reluctance by the BIA to accept our governance procedures is an affront to the Haudenosaunee and our member Nations. The Cayuga Chiefs Samuel George and William Jacobs have been duly installed into the titled positions of the Cayuga Nation and we stand united with them as brothers under the Gianashanagonah, the Great Law of Peace.

Your letter of July 17th challenged our whole system of governance and violated our right to self determination in the process of determining our leadership.

We have some suggestions and observations in dealing with the situation as it now stands that could bring relief.

- A. We request that you revisit the July 17th, 2006 letter, in particular the last paragraph, which states:

It is Region 2's intention to act in this matter consistent with the will of the Cayuga Nation. At present, it is not clear what that will is. Moreover, under the present circumstances, it is unclear which entity (HETF or the Cayuga Nation) is the eligible grantee for any future EPA grants to build environmental capacity for a Cayuga Nation environmental program. Until there is clarification from the Council of Chiefs, represented as consensus of the chiefs (which we understand is the Cayuga tradition) Region 2 will refrain in the future from awarding any financial assistance either to HETF on behalf of the Cayuga Nation or directly to the Cayuga Nation.

We request that you retract that particular paragraph and reaffirm your October 7th, 2005 letter which acknowledged and recognized that the Cayuga Nation reaches decisions based upon consensus or agreement by the Cayuga Council of Chiefs.

This is also the clearly stated position of the BIA, which has repeatedly, in the past two years, refused to recognize decisions that have not been shown to have been made by consensus of the Council. The fact that Keel has remained silent on the January 6 consensus agreement (removing Clint Halftown as a leader) is being appealed. If EPA doesn't undo its decision, it will create problems by acknowledging and creating a non-decision by Keel, into a decision.

- B. Acknowledge, therefore, that the longstanding consensual Cayuga Nation Council of

Chiefs letter dated July 31, 2001, in which the Cayuga Nation Council of Chiefs supported the development of an environmental program through the assistance of HETF, remains in full force and effect.

There is no procedure to “reaffirm” a consensus agreement by the Constitutional laws of the Cayuga Nation and the Haudenosaunee. The procedure to change that decision would require a full Cayuga Nation Council to agree to that change by consensus. Absent a consensus letter altering this longstanding July 31, 2001 letter, EPA should acknowledge that there is no change, and that the Cayuga Nation remains a member of the HETF.

This action accomplishes the following:


1. EPA acknowledges its respect for our sovereignty and protocols and internal affairs by remaining neutral with regard to internal Cayuga affairs.
2. Allows the Onondaga Nation and other Confederacy Nations to be relieved that EPA is not meddling in sovereign Cayuga Nation internal governmental affairs by asking them to re-affirm the longstanding consensual document, the July 2001 letter.
3. The Haudenosaunee recognizes EPA is bound by its regulations to adhere to the determinations of the BIA with regard to Indian Nation federal recognition matters.
4. Currently Clint Halftown is but one of six Cayuga leaders recognized by the BIA (but the Traditional Cayuga Council does not recognize him). He has no authority to change the consensus agreement authorized by the Cayuga Council of Chiefs in the July 31st, 2001 letter. Only a document of equal weight can change this and that would be a letter coming from the Cayuga Council of Chiefs attesting to this change by consensus.
5. We suggest that Janice Whitney take the lead in adjusting these suggested changes. She has our confidence and has the longest tenure and experience in dealing with the Haudenosaunee.
6. These actions allow the Onondaga Nation to recommence meetings with EPA re: Onondaga Lake as soon as possible. I know this is one of your priorities as it is with the Onondaga Nation.
7. As Co-Chair of HETF we should sit down with Joyce King as executive director and

discuss the funding matter re: Cayuga.

8. Provided EPA acknowledges the July 31, 2001 letter from the Cayuga Nation Council of Chiefs, the letter states: "The terms of proposals and programs presented and approved by the Cayuga Council of Chiefs, and only modifications mutually agreed upon, shall be carried out to their maximum potential, through this collaboration of Bernadette Hill, as representative of the Cayuga Nation program, and as point person heading up this work and the said Cayuga Nation Council of Chiefs.

Alan: These are my suggestions made in discussion with the Onondaga Council of Chiefs. We thank you for continual EPA funding to the HETF through 2007. I also express my appreciation for your kind attention to these matters. HETF is an important development for the Haudenosaunee and it's been a struggle to maintain our mutual respect for the sovereignty of the governments that we represent. I hope that we can continue on the course for restoring Onondaga Lake and the surrounding environment as close to its original pristine nature as possible for the sake of future life.

In peace I remain most respectfully,
Your Friend,



Oren Lyons

HETF Co-Chair